IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 19164 of 2004

Between:

V. Srirama Murthy S/o Anjaiah
Ramavarappadu Vijayawada Rural Mandal, Krishna District

..... PETITIONER

AND

1 Asst. Commissioner of Endowments, Vijayawada Krishna District
2 Sri Dakarapu Koteswara Rao S/o Venkatappaiah
R/o Ramavarappadu, Vijayawada rural Mandal Krishna District
3 Matte Venkateswara Rao S/o Nageswara Rao
R/o Ramavarappadu, Vijayawada rural Mandal Krishna District
4 Tenneti Mallikarjuna Rao S/o Sobhandari
R/o Ramavarappadu, Vijayawada rural Mandal Krishna District
5 Melam Bujji W/o Bhaskara Rao
R/o Ramavarappadu, Vijayawada rural Mandal Krishna District
6 Pinniboina Edukondalu S/o Rangaiah
R/o Ramavarappadu, Vijayawada rural Mandal Krishna District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandmaus or any other appropriate writ, declaring the action of the respondent in appointing the Festival Committee through the impugned order in D. Dis No. A1/854/2004 adm dated 8-10-2004 as one without any provision, and without jurisdiction and competence besides being non-application of mind and consequently direct the respondent No.1 to continue the Trust Board appointed in A1/1060/2002 dated 15-6-2002 till the new trust Board appointed for Sri Venkamma perantalu Ammavari Temple, Ramavarappadu Krishna District also set aside the proceedings in D.Dis No. A1/854/2004 adm dated 8-10-2004,

Counsel for the Petitioner: MR.N.GURU GOPAL

Counsel for Respondent No1: GP FOR ENDOWMENTS

Counsel for Respondents 2 to 6: --

The Court at the stage of admission made the following Order:

The petitioner, who claims to be the Trust Board Member of Sri Venkamma Perantal Amma Vari Temple, filed this writ petition seeking a writ of Mandamus that the action of the first respondent-Assistant Commissioner of Endowments, Vijayawada, Krishna District in appointing the Festival Committee through the impugned order dated 08-10-2004, as arbitrary and illegal.

It is not in dispute that the first respondent is the competent authority to appoint the Board of Trustees to the Temple in question under the provisions of The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987.

Admittedly, the members of the said Festival Committee are among the Chairman and members of the committee. Nothing has been placed before this Court to show that impugned action of the first respondent is in contravention of any statutory provision. As can be seen from the impugned proceedings, the first respondent has constituted a committee for smooth conduct of Dasara Festival from 15-10-2004 to 23-10-2004. Such a discretionary order passed by the competent authority in the interest of the institution cannot be said to be either arbitrary or illegal. The writ petition is devoid of merits and misconceived.

The writ petition is, accordingly, dismissed. No costs.

14-10-2004

kdl

To

1. Asst. Commissioner of Endowments, Vijayawada Krishna District
2. Two C.Cs. to the Government Pleader for Endowments, High Court Buildings, A.P., Hyderabad, (OUT).
3. Two C.D. Copies.